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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,542	02/07/2001	Bradley S. Davis	30960	5032

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EXAMINER

KYLE, CHARLES R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,542

Applicant(s)

DAVIS ET AL.

Examiner

Charles Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim s 13-16 recites the limitation "a code segment". It is unclear how a method contains a step of a "code segment". It appears that Claims 13-16 contain this limitation imported as cut and paste from similar Claims 5-8

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8-9 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,535,383 *Gower* in view of US 5,818,955 *Smithies et al.*

As to Claims 1 and 3-8, see the discussion of Claims 9 and 11-16. *Gower* further discloses a computer program having codes segments at Background of the Invention and Col. 8, lines 35-52.

As to Claim 9, *Gower* discloses the invention substantially as claimed, including in a method of coordinating closing of a transaction (Col. 3, lines 12-23), the steps of:

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providing a repository computer for storing a plurality of documents related to the transaction (Background and Summary of the Invention);

permitting authorized parties to access the repository computer via user computers (Col. 5, line 60 to Col. 6, line 28);

permitting a first one of the authorized parties to indicate a desire to close one of the documents (Col. 2, line 65 to Col. 3, line 6);

sending a notice of the desired closing to at least a second one of the parties (Col. 3 lines 7-50);

formatting the document to a viewable document (Col. 3, line 52 to Col. 5, line 51, at least);

receiving a request from the second authorized party (Summary of the Invention);
verifying that the viewable document has not been changed since the first authorized party attempted to close the document (Col. 8, lines 11-20);

displaying the viewable document to the second authorized party if the document has not been changed (Col. 3, lines 12-14);

permitting the second party to accept or reject the closing of the document (Col. 2, line 67 to Col. 3, line 5); and

indicating that the document has been approved for closing (Col. 6, line 52 to Col. 10, line 67).

Gower does not specifically disclose the use of tags to assure users that documents to be displayed are unchanged. *Smithies* discloses this limitation at Summary of the Invention, at

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least. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Gower* with the tags of *Smithies* because this would assure document integrity as contract documents were circulated among potential parties to a contract. See also Abstract and Fig. 3A.

As to Claim 11, *Gower* discloses use of a network at Col. 2, lines 30-48.

As to Claim 12, *Smithies* discloses document verification over the Internet at Col. 2, line 52 to Col. 3, line 2.

Regarding Claim 13, *Gower* discloses notifying parties of approval at Col. 3, lines 12-24.

As to Claim 14, *Gower* suggests deletion of rejected documents at Col. 4, lines 20-51. Establishment of a contract if all parties agree is disclosed at this cite; deletion of a document unacceptable to any potential contracting party would be obvious for purposes of “garbage collection” to efficiently use system resources.

As to Claim 15, *Gower* discloses notifying all parties of acceptance at Col. 3, liens 7-50; notification of rejection would similarly be obvious to keep all parties apprised of the status of a document.

Regarding Claim 16, *Smithies* discloses identifier and checksum for a document at Summary of the Invention. See particularly, Col. 4, lines 35-48. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Gower* with the checksum/identifier features of *Smithies* to obtain the assurance of document stability disclosed by *Smithies* at Col. 4, lines 36-41.

As to Claim 17, see the discussion of Claims 1,6, 9 and 15.

As to Claim 18, see the discussion of Claims 9 and 15.

Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,535,383 *Gower* in view of US 5,818,955 *Smithies et al* and further in view of *Microsoft Press Computer Dictionary, Third Edition*, hereinafter, *Dictionary*.

Regarding Claims 2 and 10, *Gower* discloses the invention substantially as claimed. See the discussion of Claim 9. *Gower* does not specifically disclose the use of a PDF format for documents. *Dictionary* discloses this limitation at page 14, Acrobat definition. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Gower* to use the PDF format because of its cross platform viewing capacity, as specifically disclosed by *Dictionary*.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
September 12, 2005

Examiner Charles Kyle

A handwritten signature in black ink, appearing to read "Charles Kyle", with a stylized flourish at the end.